THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.7613/2001

Dt.8-8-2007

Raj Kumar Kaushik ..Petitioner

V.

1.The State of A.P. through the Secretary, Home Department, Secretariat, Hyderabad, and three others.

..Respondents.

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.7613/2001

ORAL ORDER

Complaining harassment of the respondents without due

process of law, the petitioner filed the present writ petition seeking a direction to the respondents not to harass him without due process of law at the instigation of respondent No.4.

It is stated in the affidavit filed in support of the writ petition that respondent No.4 is doing business of bill discounting and financing to all the transporters in Hyderabad city and is also running chit business; he enrolled himself with respondent No.4 and towards security respondent No.4 has taken from the petitioner three cheques, namely, cheque bearing No.576627 dt. 17-4-1998 for Rs.1,00,000/-; cheque bearing No.054709 dt. 18-9-1998 for Rs.50000/- and another cheque bearing No.054722 dt. 18-1-1999 for a sum of Rs.47,000/-, and subsequently he cleared all the amounts due to respondent No.4 and in spite of clearing all the amounts due to respondent No.4, the petitioner refused to give cheques issued by him earlier towards security. It is further stated that in the month of January, 2000, at the instigation of Malakpet Police, he was forced to give four cheques in the place of three cheques given earlier. When respondent No.4 presented them, they were returned and no action has been taken against him under Sec. 138 of the Negotiable Instruments Act, but the petitioner was picked up by respondent No.1 at the instance of respondent No.4 and was taken to the premises of the first respondent where they threatened him that if he do not pay the amount of Rs.1,97,000/- he would be tortured and subjected to third degree methods.

Mohd. Abdul Rawoof, Inspector of Police, Detective Department, Hyderabad City, filed a counter affidavit, on his behalf and also on behalf of respondents 1 and 3 denying the allegation that the cheques were issued under the pressure of Malakpet police. If the petitioner had been dragged to Malakpet Police Station, the petitioner

has an opportunity to complain about the act of Malakpet Police to the superior police officers. He also denied the fact of picking the petitioner on 6-4-2000 and threatening to torture him. He further stated that Cr.No.171/2001 was registered against the petitioner on the complaint of respondent No.4 under Sec.420 IPC, an on registering the same, the present writ petition has been filed by making incorrect and baseless allegations against the respondents.

Though the counter-affidavit has been filed by respondents 1 to 3 on 30-7-2001, the petitioner has not filed any rejoinder controverting the allegations made against him in the counter-affidavit. In view of the same, the writ petition filed by the petitioner appears to be to stall the investigation in Cr.No.171/2001, which was registered against the petitioner, for the offence under Sec. 420 IPC.

It is needless to mention, if any crime is registered against the petitioner, the police are under an obligation to investigate into the complaint lodged against the petitioner and laid charge-sheet, if any, before the concerned criminal court.

The writ petition fails, and it is accordingly dismissed. No costs.

A.GOPAL REDDY,J

Dt.8-8-2007
kmr